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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/763,885

10/15/2001

Jukka Immonen

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EXAMINER

SHEW, JOHN

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/763,885	Applicant(s) IMMONEN ET AL.	
	Examiner John L Shew	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8,10-14,20-33,35-39 is/are allowed.
- 6) ☒ Claim(s) 16,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 9 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Claim Objections

1. Claims 9, 16, 17 are objected to because of the following informalities:

Claim 9 line 2 cites "mans" should be "means".

Claim 16 line 4 cites "queen" should be "queue".

Claim 16 line 5 cites "packed" should be "packet".

Claim 17 line 3 cites "the air of queue" should be "the aid of queue".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 16, 18, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Pasternak et al. (Patent number 6157614).

Claim 16, Pasternak teaches a method for supporting the quality of service in packet data transmission in a radio network (FIG. 1, Abstract lines 1-6) referenced by the method for a wireless ATM network with high quality of service scheduling, whereby transmission over the air interface is based on packet scheduling (column 2 lines 30-37, lines 49-59) referenced by the ATM scheduling using a virtual framer and virtual shaper, the method comprising selecting a radio scheduling queue having appropriate quality of service characteristics for the packet to be transmitted over the air interface from a selection of default radio scheduling queues (FIG. 19, column 15 lines 4-34) referenced by the Outgoing Cells 1900 scheduled into default ATM Cells QoS Queues 1901 for transport to the modulator for wireless transmission, having different quality of service characteristics (column 15 lines 26-34) referenced by the Queue Manager 1902 selection of queues based on ATM quality characteristics including VBR and CBR.

Claim 18, Pasternak teaches a radio access system for supporting the quality of service in data packet transmission over the air interface (FIG. 1, Abstract lines 1-6) referenced

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by the method for a wireless ATM network with high quality of service scheduling, the system comprising a selection of default radio scheduling queues having different quality of service characteristics (FIG. 19, column 15 lines 4-34) referenced by the Outgoing Cells 1900 scheduled into default ATM Cells QoS Queues. 1901, means for selecting a radio scheduling queue having appropriate quality of service characteristics for the packet to be transmitted over the air interface from the selection (FIG. 19, column 15 lines 26-34) referenced by the Queue Manager 1902 selection of queues based on ATM quality characteristics including VBR and CBR associated to the ATM Cells QoS Queue 1901 for transport to the modulator for wireless transmission.

Claim 19, Pasternak teaches a communication device for use in a system which supports the quality of service in data packet transmission over the air interface (FIG. 15, Abstract lines 1-6) referenced by the systems for a wireless ATM network with high quality of service scheduling performed by the Subscriber Access System ASIC 1504, and comprises a selection of default radio scheduling queues having different quality of service characteristics (FIG. 19, column 15 lines 4-34) referenced by the Outgoing Cells 1900 scheduled into default ATM Cells QoS Queues 1901, wherein the device is arranged to select a default radio scheduling queue having appropriate quality of service characteristics for the packet to be transmitted over the air interface from the selection (FIG. 19, column 15 lines 26-34) referenced by the Queue Manager 1902 selection of queues based on ATM quality characteristics including VBR and CBR

associated to the ATM Cells QoS Queue 1901 for transport to the modulator for wireless transmission.

Allowable Subject Matter

3. Claims 1-8,10-14, 20-33, 35-39 are allowed.

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L Shew whose telephone number is 571-272-3137. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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